

Award No. 12169
Docket No. TE-10779

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Kieran P. O'Gallagher, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS

SOUTHERN RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Southern Railway that:

1. Carrier violated the Agreement when, on the 17th day of April, 1957, it caused, required or permitted Mr. D. H. Parks, a train conductor, not covered by the Telegraphers' Agreement, to handle (receive, copy and deliver) train order No. 711 at Glenn, North Carolina.

2. Carrier shall compensate R. L. Hendry, or senior idle extra employe or senior idle employe, Danville Division Seniority District, on April 17, 1957, for one day (8 hours) at the rate of \$1.96 per hour (minimum pro rata telephoners' (telegraphers') rate on this seniority division) for the violation aforesaid.

EMPLOYES' STATEMENT OF FACTS: On April 17, 1957, at or about 5:28 A. M., D. H. Parks, conductor on train second No. 252, copied the following train order No. 711 at Glenn, North Carolina. At this time there were no employes under the Telegraphers' Agreement assigned to any position at Glenn, North Carolina. Train order No. 711 read as follows:

Form 19

SOUTHERN RAILWAY COMPANY

Glenn, N. C.
April 17, 1957

ORDER NO. 711

C&E Second No. 252

Order No. 710 is annulled.

Extra 2039 West gets this order and meet Second No. 252 two fifty two Engine 6882 at East Durham

RTN

Made Complete Time 5:28 AM Condr. D. H. Parks (Operator)

Carrier, not having seen the ORT's submission, reserves the right after doing so to present such additional evidence and argument as may be necessary for the protection of its interests.

(Exhibits not reproduced.)

OPINION OF BOARD: This case is the same in all material respects as in Docket No. TE-9988, Award No. 12150. We adopt the opinion therein as determinative of the issues in this case.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 29th day of January 1964.